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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,804	02/27/2004	Feng Shi	13854-065001	5657
26181	7590	08/17/2006	EXAMINER	
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			TRAN, DZUNG D	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 08/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,804

Applicant(s)

SHI ET AL.

Examiner

Dzung D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration..
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurooka et al. U.S. (Patent no. 6,694,273).

Regarding claims 1 and 17, Kurooka, in figure 18, discloses a dispersion compensation device/method comprising:

an optical variable dispersion compensator 5A (equivalent to Optical domain Adaptive Dispersion Compensation Module (OADCM) operable to provide a first dispersion compensation to a received signal having a plurality wavelengths (e.g., WDM optical signal input to the optical variable dispersion compensator 5A);

an equalization amplifier 5 (equivalent to Electrical domain Adaptive Distortion Compensation Module (EADCM)); and

a controller 35 coupled to and operable to control both the OADCM (see figure 18).

Figure 18 does not specifically disclose the controller 35 operable to selectively control a level of the first and the second dispersion compensation to be applied to the

received signal. However, Figure 18 shown a control circuit 9 coupled to Electrical domain Adaptive Distortion Compensation Module (EADCM) 5 for controlling the Electrical domain Adaptive Distortion Compensation Module (EADCM) 5 and a controller 35 coupled to and operable to control the OADCM (see figure 18).

At the time of the invention was made, it would have been obvious to one of the ordinary skill in the art to redesign the system of Figure 18 to have only one controller that selectively control a level of the first and the second dispersion compensation to be applied to the received signal. One of the ordinary skill in the art would have been motivated to in order to reduce controller quantity. Thus it reduces cost of the system.

Regarding claim 2, Kurooka, in figure 18, clearly discloses the controller 35 and controller 9 control operating characteristics of at least one of the OADCM and the EADCM.

Regarding claim 3, Kurooka further discloses the controller 35 controls the OADCM based on feedback information provided to the controller from the an equalization amplifier 5 (equivalent to EADCM).

Regarding claim 4, Kurooka further discloses the controller 35 controls the equalization amplifier 5 (equivalent to EADCM) based on feed forward information provided to the controller from the OADCM (see figure 18).

Regarding claim 7, Kurooka further discloses optical receiver (e.g. photodetecting device 2) integrate with an optical variable dispersion compensator 5A (equivalent to OADCM), wherein the equalization amplifier 5 (equivalent to EADCM) provides signal distortion measurements to the controller 35 (e.g., the output signal of

equalization amplifier 5 is connected an equalizer monitor and multi-phase eye quality monitor 8, through control circuit 9 to controller 35, see figure 18). The controller 35 generates a dispersion compensation control signal corresponding to dispersion compensation quantity correction value (e.g., from the eye pattern of input waveform and equalization amplified waveform monitoring) then supplying it to the optical variable dispersion compensator 5A (equivalent to OADCM) (col. 22, line 13 to col. 23, line 13).

Regarding claim 8, Kurooka further discloses the equalization amplifier 5 (e.g. EADCM) provides polarization mode dispersion compensation (Col. 4, lines 32-34, Col. 7, lines 15-18).

Regarding claim 9, Kurooka discloses the optical variable dispersion compensator 5A (e.g. OADCM) provides chromatic mode dispersion compensation (Col. 24, lines 25-32).

Regarding claim 10, Kurooka discloses the equalization amplifier 5 (e.g. EADCM) include an equalizer monitor 8 that produces symbol estimate.

Regarding claim 11, Kurooka discloses the equalization amplifier 5 (e.g. EADCM) include a multi-phase eye quality monitor 8 (equivalent to blind equalizer) (e.g., it is well recognized in the art for use eye pattern for determine the error values).

Regarding claim 12, Kurooka discloses in figure 20 (prior art figure) an optical transmitting apparatus 200 (equivalent to transmitter) coupled to the receiving apparatus 400 through amplifier 300. At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to include the optical transmitting apparatus 200 of figure 20 in the system of figure 18 of Kurooka that is

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connect the optical transmitting apparatus 200 to the receiving apparatus 1 over an optical fiber 30. One of ordinary skill in the art would have been motivated to do this in order to generate an optical signal and transmits it to the receiver end. Furthermore, the Drawing of Specification does not show the optical transmitter as claimed in claim 12.

Regarding claim 13, Kurooka discloses the equalization amplifier 5 (e.g. EADCM) comprising: a multi-phase eye quality monitor and equalization circuit (figure 18, element 8).

Regarding claim 15, Kurooka discloses the equalization amplifier 5 (e.g. EADCM) comprising: equalization circuit 8 is a distortion equalizer.

Regarding claim 16, Kurooka discloses in figure 18, the distortion equalizer is a decision feedback equalizer (e.g., information signal from equalization circuit 8 is feedback to the equalization amplifier 5 (equivalent to EADCM) to decision unit 7).

Regarding claim 18, as far as examiner understood, Kurooka discloses the equalization amplifier 5 (e.g. EADCM) provides signal quality distortion measurement (e.g., through equalization circuit 8) to the controller 35.

Regarding claims 19 and 20, Kurooka discloses the equalization amplifier 5 (e.g. EADCM) provides signal error value and symbol error estimates (e.g., through a multi-phase eye quality monitor 8) to the controller 35.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurooka et al. U.S. (Patent no. 6,694,273) in view of Wan et al. U.S. (Publication no. 2004/0086274).

Regarding claim 5, Kurooka discloses all the limitations except for an Optical Amplifier with Automatic Gain Control (OAGC). Wan discloses an optical system comprises an Optical Amplifier with Automatic Gain Control (OAGC) (figure 1, element 112, page 4, paragraph 0092). At the time of the invention was made, one of the ordinary skill in the art would have been motivated to incorporate optical amplifiers along the optical transmission line in order to boost the light signals that become attenuated during the transmission. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate an optical amplifier such as Optical Amplifier with Automatic Gain Control (OAGC) taught by Wan along the transmission line or coupled it with the OADCM and the controller in the system of Kurooka. It is notoriously known that optical amplifiers can be placed anywhere along the transmission path in an optical system to boost the signal and to restore the signal strength so that acceptable or good quality signal can be received.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurooka et al. U.S. (Patent no. 6,694,273) in view of Wan et al. U.S. (Publication no. 2004/0086274) and further in view of O'Sullivan et al. U.S. (Patent no. 5,822,094).

Regarding claim 6, the combination of Kurooka and Wan discloses all the limitations except system further comprises a PIN photodiode detector in combination

with a trans-impedance amplifier (PIN/TIA). O'Sullivan discloses an optical system having a photodiode comprises a PIN photodiode detector in combination with a trans-impedance amplifier (PIN/TIA). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to replace the photo-detecting device 2 of Kurooka with the PIN photodiode detector in combination with a trans-impedance amplifier taught by O'Sullivan. One of ordinary skill in the art would have been motivated to do this since PIN photodiode detector in combination with a trans-impedance amplifier offers advantages over the photodiode that is converts the incident light into an electrical current which is amplified amplified and band limited between the desirer range of bandwidth by the trans-impedance amplifier instead of converts the incident light into an electrical current only.

5. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed –5/22/2006 have been fully considered but they are not persuasive.

Applicant argues that Kurooka does not disclose or suggest a controller that is sepectively control the dispersion compensation to be applied by both an OADCM and an EADCM as required by claim 1. However, as the rejection of claim 1, Figure 18 of

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Kurooka shown a control circuit 9 coupled to Electrical domain Adaptive Distortion Compensation Module (EADCM) 5 for controlling the Electrical domain Adaptive Distortion Compensation Module (EADCM) 5 and a controller 35 coupled to and operable to control the OADCM (see figure 18).

At the time of the invention was made, it would have been obvious to one of the ordinary skill in the art to redesign the system of Figure 18 to have only one controller that selectively control a level of the first and the second dispersion compensation to be applied to the received signal. One of the ordinary skill in the art would have been motivated to in order to reduce controller quantity. Thus it reduces cost of the system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dzung Tran
08/14/2006